

EXHIBIT A

BOIES SCHILLER FLEXNER LLP

Sean P. Rodriguez (SBN 262437)

srodriguez@bsfllp.com

44 Montgomery Street, 41st Floor

San Francisco, CA 94104

Telephone: (415) 293-6800

Facsimile: (415) 293-6899

John J. Kucera (SBN 274184)

jkucera@bsfllp.com

Simon P. Leen (SBN 332033)

sleen@bsfllp.com

Joshua Yaw Foli Quaye (SBN 325480)

jquaye@bsfllp.com

Samantha Parrish (SBN 318681)

sparrish@bsfllp.com

2029 Century Park East, Suite 1520N

Los Angeles, CA 90067

Telephone: (213) 629-9040

Facsimile: (213) 629-9022

Attorneys for

Opulent Treasures. Inc.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

OPULENT TREASURES, INC.,

Plaintiff,

v.

YA YA LOGISTICS, INC., et al.,

Defendants.

Case No. 2:22-cv-06137-SSS (JCx)

**OPULENT TREASURES, INC.'S
RESPONSES TO YA YA
LOGISTICS, INC.'S FIRST SET OF
INTERROGATORIES**

Action Filed in EDTX: August 17, 2021
Action Transferred to CDCA: April 20,
2022

YA YA LOGISTICS, INC.,

Counter-Plaintiff,

v.

1 OPULENT TREASURES, INC.,
2 Counter-Defendant.

3
4 PROPOUNDING PARTY: PLAINTIFF YA YA LOGISTICS, INC.

5 RESPONDING PARTY: PLAINTIFF/COUNTER-DEFENDANT
6 OPULENT TREASURES, INC.

7 SET NO.: ONE

8 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff and
9 Counter-Defendant OPULENT TREASURES, INC. (“Opulent”) hereby submits
10 these objections and responses to the First Set of Interrogatories propounded by
11 Plaintiff YA YA LOGISTICS, INC. (“Ya Ya”).

12 **GENERAL OBJECTIONS**

13 1. Opulent’s discovery, internal investigation, and preparation for the trial
14 of this matter is not completed as of the date of these Responses and are continuing.
15 Opulent anticipates that discovery, internal investigation, and preparation for trial
16 will reveal additional information not presently known to it, but upon which it may
17 rely. These Responses are based upon information currently known or believed to
18 be true by Opulent. Opulent reserves the right to modify or supplement these
19 Responses upon completion of its discovery, internal investigation, and preparation
20 for the trial of this matter, and to use at trial, or in any motion or deposition, any
21 documents, facts, or supporting evidence of any sort later developed or discovered.

22 2. Opulent objects generally to the Interrogatories to the extent that they
23 seek to impose obligations in addition to those imposed by the Federal Rules of
24 Civil Procedure, the Local Rules of the above-captioned court, any court governing
25 discovery in this case, or any discovery protocol agreed upon by the parties.

26 3. Opulent objects generally to the Interrogatories to the extent that they
27 are unreasonably overbroad in scope, and thus burdensome and oppressive, and
28

1 place a wholly unwarranted burden and expense on Opulent in locating, reviewing
2 and producing the requested information.

3 4. Opulent objects generally to the Interrogatories to the extent that they
4 are vague, uncertain and overbroad, being without limitation as to time or specific
5 subject matter.

6 5. Opulent objects generally to the Interrogatories to the extent that they
7 seek information protected by the attorney-client privilege or the attorney work-
8 product doctrine, or both. Any disclosure of privileged information would be
9 inadvertent and should not be deemed a waiver of any privilege.

10 6. Opulent objects generally to the Interrogatories to the extent that they
11 seek to have Opulent furnish information that is a matter of the public record, and
12 therefore, is equally available to Ya Ya as to Opulent.

13 Opulent expressly incorporates each of the foregoing General Objections into
14 each specific response to the requests set forth below as if set forth in full therein.
15 An answer to a request is not intended to be a waiver of any applicable specific or
16 general objection to such request.

17 **OBJECTIONS TO DEFINITIONS**

18 1. Opulent objects to each “Definition” and “Instruction” to the extent that
19 any “Definition” or “Instruction” seeks to impose obligations inconsistent with,
20 beyond, or in addition to those imposed by the Federal Rules of Civil Procedure, the
21 Local Rules of the above-captioned court, any court order governing discovery in
22 this case, or any discovery protocol agreed upon by the parties.

23 2. Opulent objects to the definition of “PLAINTIFF”, “YOU” and
24 “YOUR” to the extent it purports to impose on Opulent an obligation to produce
25 documents in the possession, custody or control or any entity or person other than
26 Opulent, and to the extent it invades on the attorney-client privilege. In responding
27 to these Requests, Opulent will rely only on information that is reasonably available
28 to it.

1 3. Opulent objects to the definition of “DEFENDANT” and “YA YA
2 LOGISTICS, INC.” to the extent it includes any entity other than Ya Ya Logistics,
3 Inc., or any of its principals, directors, officers or employees.

4 Without waiver of the foregoing, Opulent further responds as follows:

5 **RESPONSES TO INTERROGATORIES**

6 **INTERROGATORY NO. 1:**

7 Describe in detail the complete factual and legal bases for YOUR contention
8 that DEFENDANT has infringed any applicable trademarks or trade dress under
9 federal and state law.

10 **RESPONSE TO INTERROGATORY NO. 1**

11 Opulent objects to this Interrogatory on the grounds that it is premature
12 because it seeks Opulent’s contentions on its claims prior to the close of discovery.
13 Opulent states that discovery is ongoing, and it will supplement its response to this
14 Interrogatory at a later date.

15
16 **INTERROGATORY NO. 2:**

17 Separately IDENTIFY and describe in detail each of PLAINTIFF’S products
18 bearing PLAINTIFF’S ALLEGED TRADE DRESS that has been advertised,
19 marketed, offered for sale, sold, licensed, or distributed in the United States, and for
20 each, separately state the time period, including date of first use and when such
21 product was first offered for sale in the United States.

22 **RESPONSE TO INTERROGATORY NO. 2**

23 Opulent objects to this Interrogatory on the grounds that it is compound and
24 overbroad. Opulent objects to this Interrogatory on the grounds that it is vague and
25 ambiguous as to the terms “advertised”, “marketed”, “offered for sale”, “sold”,
26 “licensed” and “distributed.” Opulent states that discovery is ongoing, and it will
27 supplement its response to this Interrogatory at a later date.

1 **INTERROGATORY NO. 3:**

2 Describe in detail the CHANNELS OF TRADE YOU used, use, or intend to
3 use to promote, sell, license, distribute, or provide PLAINTIFF'S products bearing
4 PLAINTIFF'S ALLEGED TRADE DRESS.

5 **RESPONSE TO INTERROGATORY NO. 3**

6 Opulent objects to this Interrogatory on the grounds that it is vague and
7 ambiguous as to the phrase "channel of trade". Opulent states that discovery is
8 ongoing, and it will supplement its response to this Interrogatory at a later date.

9 Subject to and without waiving the foregoing General and Specific
10 Objections, Opulent responds: Opulent utilizes various e-commerce platforms and
11 stores in connection with the sale of its products, including, but not limited to, QVC,
12 The TodayShow, Tjx Corp. (Marshalls, Home Goods, TjMaxx, TKMaxx, Home
13 Sense), Amazon, Wayfair, ebay and Opulent Treasures.com.

14
15 **INTERROGATORY NO. 4:**

16 Separately for each year and for each product, detail the revenue earned from
17 and expenses related to the offering for sale, sale, licensing, distribution, or
18 provision in the United States of each of PLAINTIFF'S different products bearing
19 PLAINTIFF'S ALLEGED TRADE DRESS, including YOUR expenditures for
20 advertising, marketing, and promotion.

21 **RESPONSE TO INTERROGATORY NO. 4**

22 Opulent objects to this Interrogatory on the grounds that it is unduly
23 burdensome, compound and overbroad. Opulent objects to this Interrogatory on the
24 grounds that it is vague and ambiguous as to the terms "offering for sale", "sale",
25 "licensing", "distribution" and "provision". Opulent objects to this Interrogatory on
26 the grounds that it seeks confidential and proprietary information.

1 **INTERROGATORY NO. 5:**

2 For each of PLAINTIFF'S products bearing PLAINTIFF'S ALLEGED
3 TRADE DRESS, set forth the following financial information on a monthly,
4 quarterly, and annual basis (and by customer to the extent such information exists):

5 (1) the number of units made in the United States,

6 (2) the number of units used in the United States,

7 (3) the number of units sold, leased, licensed, or distributed in the United
8 States,

9 (4) the number of units imported into the United States, and

10 (5) the number of units exported from the United States,

11 as well as pricing for each unit and all revenues, costs (including costs of
12 goods sold and any costs allocated to the PLAINTIFF'S products bearing
13 PLAINTIFF'S ALLEGED TRADE DRESS), profits (gross and net), margins (gross
14 and net), and any other financial benefit you have realized associated with the
15 categories above.

16 **RESPONSE TO INTERROGATORY NO. 5**

17 Opulent objects to this Interrogatory on the grounds that it is unduly
18 burdensome, compound and overbroad. Opulent objects to this Interrogatory on the
19 grounds that it is vague and ambiguous as to the phrase "financial benefit." Opulent
20 objects to this Interrogatory on the grounds that it seeks confidential and proprietary
21 information. Opulent states that discovery is ongoing, and it will supplement its
22 response to this Interrogatory at a later date.

23
24 **INTERROGATORY NO. 6:**

25 For each of PLAINTIFF'S products bearing PLAINTIFF'S ALLEGED
26 TRADE DRESS, describe in detail the manner in which YOU have advertised,
27 marketed, and/or promoted that product, including identifying the specific
28 publications, websites, social media sites, retail outlets, trade shows, events, or other

1 places or media outlets through which YOU have advertised, marketed, and/or
2 promoted that product.

3 **RESPONSE TO INTERROGATORY NO. 6**

4 Opulent objects to this Interrogatory on the grounds that it is unduly
5 burdensome and overbroad. Opulent objects to this Interrogatory on the grounds that
6 it is vague and ambiguous as to the terms “advertised”, “marketed” and “promoted.”
7 Opulent states that discovery is ongoing, and it will supplement its response to this
8 Interrogatory at a later date.

9
10 **INTERROGATORY NO. 7:**

11 Separately for each of PLAINTIFF’S products bearing PLAINTIFF’S
12 ALLEGED TRADE DRESS, identify the amount spent advertising, marketing,
13 and/or promoting that product on a monthly, quarterly, and annual basis from the
14 time the product was first introduced.

15 **RESPONSE TO INTERROGATORY NO. 7**

16 Opulent objects to this Interrogatory on the grounds that it is unduly
17 burdensome and overbroad in scope and time. Opulent objects to this Interrogatory
18 on the grounds that it requires Opulent to create a compilation or summary not kept
19 in the ordinary course of its business.

20
21 **INTERROGATORY NO. 8:**

22 Separately for each of PLAINTIFF’S products bearing PLAINTIFF’S
23 ALLEGED TRADE DRESS:

24 (1) identify the specific elements of the product that you contend constitute
25 PLAINTIFF’S ALLEGED TRADE DRESS; and

26 (2) describe in detail how the identified specific elements have acquired
27 distinctiveness.

1 **RESPONSE TO INTERROGATORY NO. 8**

2 Opulent objects to this Interrogatory on the grounds that it is compound and
3 overbroad. Opulent objects to this Interrogatory on the grounds that it is premature
4 because it seeks Opulent's contentions on its claims prior to the close of discovery.
5 Opulent states that discovery is ongoing, and it will supplement its response to this
6 Interrogatory at a later date.

7
8 **INTERROGATORY NO. 9:**

9 For each of DEFENDANT'S accused products identify:

10 (1) the model number of the accused product;

11 (2) the specific trade dress of PLAINTIFF'S ALLEGED TRADE DRESS that
12 the accused product allegedly infringes, including the model number of each and
13 every product of PLAINTIFF bearing that specific trade dress;

14 (3) each specific aspect of DEFENDANT'S accused product that allegedly
15 infringes;

16 (4) the timing of the point of first infringement, the start of claimed damages
17 and the end of claimed damages; and

18 (5) if PLAINTIFF is alleging willful infringement, the basis for such
19 allegation.

20 **RESPONSE TO INTERROGATORY NO. 9**

21 Opulent objects to this Interrogatory on the grounds that it is compound and
22 overbroad. Opulent objects to this Interrogatory on the grounds that it is premature
23 because it seeks Opulent's contentions on its claims prior to the close of discovery.
24 Opulent states that discovery is ongoing, and it will supplement its response to this
25 Interrogatory at a later date.

26
27 **INTERROGATORY NO. 10:**

28 Describe in detail the complete factual and legal bases for YOUR contention

1 that DEFENDANT has infringed any applicable copyrights.

2 **RESPONSE TO INTERROGATORY NO. 10**

3 Opulent objects to this Interrogatory on the grounds that it is premature
4 because it seeks Opulent's contentions on its claims prior to the close of discovery.
5 Opulent states that discovery is ongoing, and it will supplement its response to this
6 Interrogatory at a later date.

7
8 **INTERROGATORY NO. 11:**

9 Describe in detail the complete factual and legal bases for YOUR contention
10 that DEFENDANT has committed counterfeiting.

11 **RESPONSE TO INTERROGATORY NO. 11**

12 Opulent objects to this Interrogatory on the grounds that it is premature
13 because it seeks Opulent's contentions on its claims prior to the close of discovery.
14 Opulent states that discovery is ongoing, and it will supplement its response to this
15 Interrogatory at a later date.

16
17 **INTERROGATORY NO. 12:**

18 The identity of all accountants and accounting firms used by PLAINTIFF
19 from 2005 to the present.

20 **RESPONSE TO INTERROGATORY NO. 12**

21 Opulent objects to this Interrogatory on the grounds that it is overbroad in
22 scope and time period. Opulent objects to this Interrogatory on the ground that it is
23 irrelevant. Subject to and without waiving the foregoing General and Specific
24 Objections, Opulent responds: Gavigan & Co., 959 E. Walnut St. Suite 250
25 Pasadena, CA 91106, (626) 844-7914.

1
2 Dated: November 27, 2023

Respectfully submitted,

3 By: /s/ Samantha Parrish

4 Sean P. Rodriguez (SBN 262437)

srodriguez@bsfllp.com

5 44 Montgomery Street, 41st Floor

6 San Francisco, CA 94104

7 Telephone: (415) 293-6800

Facsimile: (415) 293-6899

8 John J. Kucera (SBN 274184)

9 *jkucera@bsfllp.com*

10 Simon P. Leen (SBN 332033)

sleen@bsfllp.com

11 Joshua Yaw Foli Quaye (SBN 325480)

12 *jquaye@bsfllp.com*

Samantha Parrish (SBN 318681)

13 *sparrish@bsfllp.com*

14 2029 Century Park East, Suite 1520N

15 Los Angeles, CA 90067

16 Telephone: (213) 629-9040

Facsimile: (213) 629-9022

17 Attorneys for Plaintiff/Counter-Defendant
18 Opulent Treasures, Inc.
19
20
21
22
23
24
25
26
27
28

VERIFICATION OF INTERROGATORY RESPONSES

I, Carol Wilson, am the CEO of Opulent Treasures, Inc. I am the authorized agent of Opulent Treasures, Inc. for the purpose of answering Ya Ya Logistics, Inc.'s First Set of Interrogatories. I have read the foregoing interrogatories and the answers to those interrogatories, which are true according to the best of my knowledge, information, and belief. I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 27, 2023

Carol Wilson

First, Last